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PATENT

Attorney Reference Number 6769-65390
Application Number 10/600,238

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Morris et al.

Application No. 10/600,238

Filed: June 19, 2003

Confirmation No. 5538

For: CREATION, VIEWING, AND ANALYSIS
OF THE RESULTS OF INTEGRATED
CIRCUIT TEST PROGRAMS
CONSISTING OF SCAN TESTS

Examiner: To be assigned

Art Unit: 2858

Attorney Reference No. 6769-65390

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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP MISSING PARTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Date Mailed December 3, 2003

**PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS
UNDER 37 CFR 1.47(a)**

Sir or Madam:

Applicants Steven R. Morris and Andrew H. Levy hereby petition the Commissioner to accept the filing of the above-identified U.S. patent application by other than all the inventors.

A declaration by Mr. Stephen A. Wight is attached providing the pertinent facts of the refusal by co-inventor David S. Kellerman to join in this application. The omitted inventor's name and address are as follows:

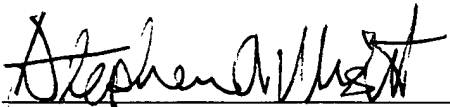
David S. Kellerman
3169 Royce Way
Lake Oswego, OR 97034
USA

A Declaration signed by Steven R. Morris and Andrew H. Levy (with Mr. Kellerman's signature block left unsigned) was filed along with the patent application, and should therefore be accepted as the Declaration on behalf of the non-signing joint inventor, Mr. Kellerman.

The fee required by 37CFR § 1.17(h) is also enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Stephen A. Wight
Registration No. 37,759

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121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
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Attorney
for Applicant(s)

Date Mailed December 3, 2003

MAIL STOP MISSING PARTS
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ALEXANDRIA, VA 22313-1450

**DECLARATION OF FACTS
IN SUPPORT OF FILING ON BEHALF OF
OMITTED INVENTOR (37 CFR 1.47)**

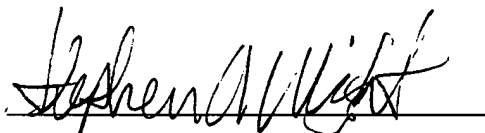
Stephen A. Wight, having personal knowledge of the facts set forth below, declares as follows:

1. I am patent counsel for Teseda Corporation.
2. I drafted and filed the above-captioned patent application for Teseda Corporation with input from each of the inventors, including Mr. David Kellerman. Prior to filing the patent application, I was informed by Teseda Corporation that Mr. Kellerman had left his employment with Teseda Corporation.
3. On November 12, 2003, I sent a letter (copy attached hereto as Exhibit A) via certified mail to Mr. Kellerman at his home address. The letter included a copy of the patent application and drawings as filed, together with a Declaration for Mr. Kellerman's signature. The letter requested that Mr. Kellerman execute the Declaration. The certified mail receipt signed by Mr. Kellerman's agent is attached hereto as Exhibit B.

4. I received a telephone call from Mr. Kellerman's attorney, Ms. Carol A. Emory of Emory Law Group, P.C. on November 17, 2003. Ms. Emory identified herself as Mr. Kellerman's attorney, and informed me that Mr. David Kellerman was not willing to sign the Declaration for the patent application without additional compensation from Teseda Corporation for his time to review the patent application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature:



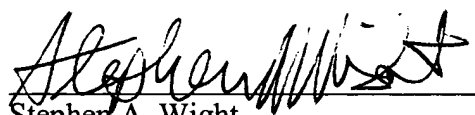
Date:

12-3-2003

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


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Registration No. 37,759

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cc: Docketing



KLARQUIST SPARKMAN, LLP

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November 12, 2003

CERTIFIED MAIL

David S. Kellerman
3169 Royce Way
Lake Oswego, OR 97034

RE: U.S. Patent Application No. 10/600,238
For CREATION, VIEWING, AND ANALYSIS
OF THE RESULTS OF INTEGRATED
CIRCUIT TEST PROGRAMS
CONSISTING OF SCAN TESTS

Filed June 19, 2003

Our Ref. No. 6769-65390

Dear David:

We are submitting herewith duplicate copies of the patent application covering the above-identified invention. The original copy is to be signed by you and returned to us for forwarding to the United States Patent and Trademark Office. The manila folder containing a duplicate copy of the application and drawings is to be retained by you.

You should read the application carefully to make sure it completely and accurately describes the invention, and that the objects and purposes thereof are accurately stated. If you have any suggestions for alterations, please note them on the application and return both copies to us for consideration.

If the application is found to be in order and meets with your approval, please date the declaration, which is the last page of the application, in blue ink on the line indicated. Particular attention is directed to the fact that this declaration must be signed exactly as your name is typed.

We are also enclosing an assignment which is to be signed and dated in the same manner as the Declaration and acknowledged before a notary public and returned to us for recording in the Patent Office.

We want to call to your attention an important duty on the part of the inventor, his attorney, and each person associated with the preparation, filing and prosecution of a patent application, to disclose to the Patent and Trademark Office any information (such as: prior use, offers for sale, sales, patents or publications)

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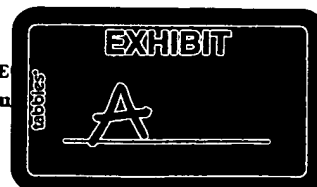
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Our Ref. No. 6769-65390
November 12, 2003
Page 2

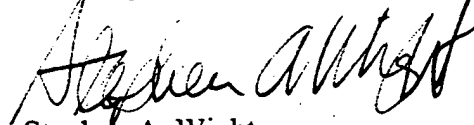
of which they are aware that is material to the patentability of the invention claimed in the application. Failure to fulfill this duty of disclosure may seriously jeopardize the validity of any patent which ultimately results from the application.

In order to satisfy this duty we have disclosed all relevant prior art of which we are aware to the Patent Office in the patent application. If you are or become aware of any more relevant art, please let us know so that we can determine whether a supplemental disclosure statement need be filed.

After the application has been approved, signed and dated as indicated above, please return the original to us in the enclosed, self-addressed and stamped envelope, so that we may forward it to the United States Patent and Trademark Office.

Sincerely yours,

KLARQUIST SPARKMAN, LLP



Stephen A. Wight

SAW:lcm
Enclosures
Document in ProLaw

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>11-13-03</u>	
1. Article Addressed to: <u>David S. Kellerman</u> <u>3169 Royce Way</u> <u>LAKE OSWEGO, OR</u> <u>97034</u>		C. Signature <u>[Signature]</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
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Domestic Return Receipt

102595-00-M-0952

